

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DILLON LINDSEY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-20-147-D
	)	
GEO LAWTON CORRECTIONAL	)	
FACILITY, et al.,	)	
	)	
Respondents.	)	

**ORDER**

Petitioner, a prisoner appearing *pro se*, filed this action on February 20, 2020 [Doc. No. 1], seeking relief under 42 U.S.C. § 1983. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings.

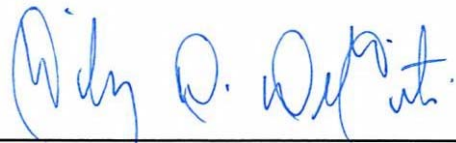
On February 27, 2020, Judge Erwin directed Petitioner to either pay the \$400.00 filing fee or submit a motion for leave to proceed *in forma pauperis* by March 17, 2020. [Doc. No. 4 at 1]. Petitioner was advised that his failure to comply with the Order would result in Judge Erwin recommending dismissal of the action without prejudice. *Id.* at 2.

On April 6, 2020, Judge Erwin filed a Report and Recommendation (“Report”) [Doc. No. 5], in which he recommended that this action be dismissed without prejudice because Petitioner had failed to pay the \$400.00 filing fee or submit a motion for leave to proceed *in forma pauperis*. Judge Erwin advised Petitioner of his right to object and directed that any objection be filed on or before April 24, 2020. Judge Erwin further advised Petitioner that any failure to object would result in waiver of the right to appellate

review. The deadline for filing objections has passed. To date, Petitioner has not filed objections and has not sought an extension of time in which to do so.

Accordingly, Judge Erwin's Report and Recommendation [Doc. No. 5] is ADOPTED as though fully set forth herein. This action is dismissed without prejudice to the filing of a new action. A judgment shall be issued forthwith.

**IT IS SO ORDERED** this 29<sup>th</sup> day of April 2020.



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TIMOTHY D. DeGIUSTI  
Chief United States District Judge